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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,129	08/03/2001	Hartwig Schwier	P01,0133	4258

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PATENT DEPARTMENT
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EXAMINER

ZIA, SYED

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/807,129

Applicant(s)

SCHWIER ET AL.

Examiner

Syed Zia

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 03 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 06/04/2001
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This office action is in response to application and preliminary amendment filed on August 03, 2001. Original application contained Claims 1-11. Therefore, Claims 1-11 are pending for consideration.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-11 is rejected under 35 U.S.C. 102(e) as being anticipated by Benson et al. (U. S. Patent 6,651,169).

1. Regarding Claim 1 Benson teach and describe a method for operating a data processing system with copy protection for user programs (Fig 11-3), comprising the steps of:

directly connecting the data processing system to a copy protection identification via a hardware module (col.5 line 46 to line 55),

providing a plurality of application programs as well as an installation program and a cryptoprogram on a storage medium intended for the user (col.5 line 46 to line 58, and col.7 line 1 to line 20),

communicating a user identification that identifies the user, an encrypted product identification that references at least one user program and a copy protection identification to the user, the communicated copy protection identification corresponding to the copy protection identification connected via the hardware module (col.6 line 4 to line 45),

when processing the installation program on the data processing system, inputting the communicated copy protection identification, the user identification and the product identification, providing each user program with a predetermined memory area into which the copy protection identification can be entered (col.3 line 65 to col.5 line 10),

comparing by the installation program the copy protection identification that has been input to the copy protection identification connected with the hardware module and,

given coincidence, deciphering the encrypted product identification upon utilization of the user identification as key, and identifying the user program referenced in the product identification, loading the selected user program from the storage medium into a memory area of the data processing system, entering by the cryptoprogram the copy protection identification into the predetermined memory area of the selected user program, and before running the selected application program, comparing the copy protection identification contained in the predetermined memory area to the copy protection identification directly connected with the data processing system via the hardware module, and running the user program only given coincidence (Fig.3, col. 7 line 28 to col.8 line 34).

5. Claims 2-11 are rejected applied as above in rejecting Claim 1. Furthermore, the system of teaches and describes a system analyzing network intrusion, further

As per Claim 2, when running the installation program, further running of the installation program is only continued after the comparison of the copy protection identification that has been input to the copy protection identification connected with the data processing system given coincidence (col.6 line 18 to line 67).

As per Claim 3 the product identification also contains the copy protection identification, and further comprising the step of: comparing said copy protection identification to the copy protection identification connected with the data processing system, and continuing running of the further program steps only given coincidence (col.6 line 18 to line 67, and col.7 line 30 to col.8 line 34).

As per Claim 4 referencing a plurality of application programs in said product identification; determining a list of said application programs upon decipherment of the product identification; and checking said list for correctness (col.7 line 10 to line 25).

As per Claim 5 said step of checking said list for correctness ensues on a basis of a checksum check (col.7 line 10 to line 25).

As per Claim 6 accepting a user selection from the application programs of the list; and loading only the selected application programs from the storage medium into the memory area of the data processing system (col.7 line 10 to line 25).

As per Claim 7 undertaking an authentication between the installation program and the key program when the key program is called (col.3 line 65 to col.4 line 17).

As per Claim 8 said authentication is implemented according to a challenge-response protocol (col.7 line 55 to col.8 line 30).

As per Claim 9 product identification is compressed according to a static Huffman-Baum method (col.2 line 20 to line 37).

As per Claim 10 the copy protection identification connected with the data processing system is situated on a hardware module that is permanently connected to the data processing system (col.5 line 46 to line 55).

As per Claim 11 the hardware module is a dongle that is pluggably connected to at least one of a parallel interface and a serial interface and a USB bus of the data processing system; and said dongle including the copy protection identification (Fig.1-2).

Art Unit: 2131

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 571-272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sz
June 17, 2005

